

PROB 12B
(6/21)

**United States District Court
for**

District of New Jersey

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Individual Under Supervision
(Probation Form 49, Waiver of Hearing is Attached)**

Name of Individual Under Supervision: Michael Berk

Cr.: 0323-00539-001

PACTS #: 55341

Name of Sentencing Judicial Officer: THE HONORABLE GEORGE Z. SINGAL
UNITED STATES DISTRICT JUDGE – DISTRICT OF MAINE

Name of Assigned Judicial Officer: THE HONORABLE ROBERT KIRSCH
UNITED STATES DISTRICT JUDGE

Date of Original Sentence: 10/26/09

Original Offense: Enticing a Minor (2 counts), Possession of Child Pornography

Original Sentence: 200 months of imprisonment, 5 years of supervised release

Special Conditions: Alcohol/Drug Testing and Treatment, Computer Search, Sex Offender Registration,
Sex Offender Treatment

Type of Supervision: Supervised Release

Date Supervision Commenced: 10/24/23

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

RESTRICTED CONTACT WITH MINORS

With the exception of brief, unanticipated and incidental contacts, you must not associate with children under the age of 18, except for family members or children in the presence of an adult who has been approved by the U.S. Probation Office. You must not obtain employment or perform volunteer work which includes, as part of its job/work description, contact with minor children, without the expressed approval of the U.S. Probation Office. You must not maintain, within your residence or within any outside establishment within your control or custody, a collection of digital images or videos, films, slides, pictures, tapes, videotapes or other form of pictorial representation whose subject matter involves minor children of either sex and can be deemed to be pornographic. The U.S. Probation Office will have the right of reasonable search of your person and residence, or any other establishment within your custody or control, and will, if necessary, request the assistance of other law enforcement personnel to enforce the provisions of this special condition.

POLYGRAPH EXAMINATION

You must submit to an initial polygraph examination and subsequent maintenance testing, at intervals to be determined by the U.S. Probation Office, to assist in treatment, planning, and case monitoring. You will be required to contribute to the costs of services rendered in an amount to be determined by the U.S. Probation Office, based on ability to pay or availability of third-party payment.

CAUSE

Berk has a prior history of targeting minors for sexual assault. Specifically, he previously utilized the internet to solicit parents of prepubescent females and offered payment in exchange for sexual acts from their children. Additionally, he was found in possession of child pornography at the time of his arrest. As such, the restricted contact with minors condition is relevant to his current supervision. The addition of this condition will assist our office in effectively supervising Berk and reduce risk during his term of supervision.

The special condition of polygraph examination will assist our office in monitoring his continued compliance under supervised release. If repeated deception is recorded during the polygraph examinations, our office can provide additional sex offender specific treatment and adjust our supervision strategies to reduce risk to the community.

Berk has been informed of his right to a hearing and he has consented to the addition of these special conditions by signing the attached waiver of a hearing.

Respectfully submitted,


SUSAN M. SMALLEY, Chief
U.S. Probation Officer



By: MATTHEW KURZAWA
Senior U.S. Probation Officer

/ mck

APPROVED:



SUZANNE GOLDA-MARTINEZ
Supervising U.S. Probation Officer

12/11/2023

Date

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above (*as recommended by the Probation Office*)
☐ No Action
☐ Other



Signature of Judicial Officer

12/13/23

Date

PROB 49
(4/19)

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of my supervised release:

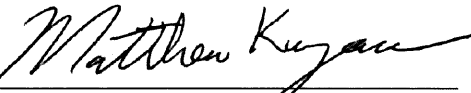
RESTRICTED CONTACT WITH MINORS

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POLYGRAPH EXAMINATION

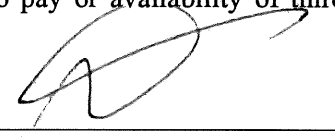
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Witness:



Senior U.S. Probation Officer
Matthew Kurzawa

Signed:



Supervised Releasee
Michael Berk

12/11/23

Date